

the 13th of August, 1827, stated the claims of the two heirs of Richard Jordan, deceased, shewing a balance, including interest up to the date of the present report, of \$1,630.66, due to Lee and wife as claim No. 1; and \$399.91 still due to Richard Jordan, the other heir, as claim No. 2; which sum awarded to Richard was claimed by Thomas W. Harris and the said John Llewellyn, as his assignees. That on the claim of Stone and McWilliams, No. 3, which was on a judgment recovered against the said Jeremiah Booth, deceased, and a certain James Walker, there was due, including interest up to the 15th day of October, 1827, the day of the sale by the trustee Merrick, the sum of \$5,754.98; but there being no proof of the insolvency of Walker, only one moiety thereof was allowed out of Booth's estate. And that of the amount claimed by the petitioners Lee and wife and Richard Jordan, of \$1,000 paid by the said Booth on the 15th of March, 1813; \$115 paid by the said Booth on the 15th of August, 1814; and \$11 paid by the said Booth on the 14th of January, 1814; and \$430.66 paid by the late trustee Cook on the 13th of January, 1819, after giving the admitted credits, there remained a balance, including interest, of \$1,718.64, as having been paid to the said Edmund Key, their guardian, for whom the said Booth was surety, there was no proof; and that if there were, it ought to be postponed to the claim No. 3.

Immediately after which, on the same day, an agreement was filed in the following words, to wit: "It is admitted, that Jeremiah Booth, the deceased, was one of the securities upon the bond executed by Edmund Key, as guardian of the petitioners Richard Jordan and Ann Lee; that said Key was duly appointed and qualified as guardian of said petitioners; that the payments appearing to have been made to him out of the proceeds of the first sale of the land in the proceedings mentioned by the auditor's report and account, this day filed, were made to him while he was such guardian; and that only such part thereof was paid by him to, or for the said petitioners, as is credited in said account; and that the said Key is and was, at the time of the re-sale of said property, wholly insolvent. It is also admitted, that the petitioner Ann is the wife of the petitioner Richard H. Lee."

By agreement the auditor, on the 17th of July, 1829, stated and reported an account awarding to Thomas W. Harris \$118.15, and to William H. Plowden, administrator of John Llewellyn, deceased, *\$281.76, as assignees of Richard Jordan, being the
293 full amount due him, as heir, for his share of the purchase money, as stated by the auditor's report of the 18th of March, 1829. And on the 31st of July, 1829, the auditor made another statement, in conformity thereto, awarding, as before, \$1,630.66 to Lee and wife, as their share of the before mentioned admitted balance of the purchase money, leaving the sum of \$4,609.58 of